

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MIDWEST TERMINALS OF  
TOLEDO INTERNATIONAL, INC.**

**and**

**Case 08-CA-155327**

**INTERNATIONAL LONGSHOREMEN'S  
ASSOCIATION, LOCAL 1982**

**ORDER<sup>1</sup>**

The Employer's petition to revoke subpoena duces tecum B-1-O179FN and subpoenas ad testificandum A-1-O1893J and A-1-OIA0LX is denied. The subpoenas seek information relevant to the matter under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. See *Postal Workers Local 64 (USPS)*, 340 NLRB 912 (2003); *Offshore Mariners United*, 338 NLRB 745 (2002).<sup>2</sup> Further, the Employer has failed to establish any other legal basis for revoking the subpoenas. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v.*

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Member Miscimarra agrees that the petition to revoke should be denied since the Employer has failed to raise any meritorious grounds for revocation. In Member Miscimarra's view, however, consistent with his position in *Christus St. Vincent Regional Medical Center*, 28-CA-149798 (Aug. 24, 2015), *CCR Fire Protection, LLC*, 15-CA-134356 (Feb. 23, 2015), and *International Union of Elevator Constructors (Otis Elevator)*, 29-CB-084077 (Aug. 29, 2014), the instant subpoenas ad testificandum, which only identify the case name and number, are deficient because they fail to state with sufficient particularity the evidence being sought. Nevertheless, he concurs in the denial of the petition to revoke in the absence of any objection to the subpoenas on this basis.

*Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., January 8, 2016.

MARK GASTON PEARCE,	CHAIRMAN
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PHILIP A. MISCIMARRA,	MEMBER
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KENT Y. HIROZAWA,	MEMBER
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